

Senate Bill 258

By: Senators Douglas of the 17th, Staton of the 18th, Johnson of the 1st, Shafer of the 48th, Balfour of the 9th and others

AS PASSED

AN ACT

To amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide that any service member on ordered military duty and his or her spouse may be exempt from jury duty; to amend Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the practice of pharmacy, so as to provide that a service member whose license expired while he or she was on duty outside the state may practice pharmacy on such expired license; to amend Code Section 27-2-4 of the Official Code of Georgia Annotated, relating to honorary hunting and fishing licenses, so as to provide for an honorary license for returning veterans; to amend Code Section 38-2-9 of the Official Code of Georgia Annotated, relating to the state retired list, officers, enlisted persons, grade upon grade transfer to list, return to active duty, and computation of time, so as to change conditions for transferring certain personnel to the retired list; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers licenses, so as to provide that a service member whose driver s license expires while he or she is on military duty outside the state may drive on such expired license for six months; to amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to professions and businesses, so as to provide that a service member whose professional license expires while he or she is on military duty outside the state may use such expired license for six months; to amend Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to landlord and tenant, so as to provide that under certain circumstances a service member may terminate a residential rental agreement; to amend Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions relative to telephone and telegraph service, so as to provide that a service member who is transferred may, under certain conditions, terminate a wireless telecommunications contract; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, is amended by inserting at the end thereof a new subsection to read as follows:

(c)(1) As used in this subsection, the term:

(A) 'Ordered military duty' means any military duty performed in the service of the state or of the United States including but not limited to attendance at any service school or schools conducted by the armed forces of the United States which requires a service member to be at least 50 miles from his or her home.

(B) 'Service member' means an active duty member of the regular or reserve component of the United States Armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(2) Any service member on ordered military duty and the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of either a copy of the official military orders or a written verification signed by the service member's commanding officer of such duty.

SECTION 2.

Article 3 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to the practice of pharmacy, is amended by inserting immediately following Code Section 26-4-44.1 a new Code section to read as follows:

26-4 -44.2.

(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States Armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose license issued pursuant to this article expired while such service member was serving on active duty outside the state shall be permitted to practice pharmacy in accordance with such expired license and shall not be charged with a violation of this chapter related to practicing pharmacy with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the

board either a copy of the official military orders or a written verification signed by the service member s commanding officer to waive any charges.

SECTION 3.

Code Section 27-2-4 of the Official Code of Georgia Annotated, relating to honorary hunting and fishing licenses, is amended by inserting at the end thereof a new subsection to read as follows:

(g)(1) As used in this subsection, the term 'returning veteran' means a person who is discharged from active duty as a member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard and who was on ordered federal duty for a period of 90 days or longer.

(2) The department shall issue an honorary hunting and fishing license to any returning veteran which shall entitle him or her to hunt and fish in this state without the payment of fees described in Code Section 27-2-23 for a period of one year following issuance. A returning veteran requesting such an honorary license shall provide proof of his or her discharge.

SECTION 4.

Code Section 38-2-9 of the Official Code of Georgia Annotated, relating to the state retired list, officers, enlisted persons, grade upon grade transfer to list, return to active duty, and computation of time, is amended by striking in its entirety subsection (a) and inserting in lieu thereof the following:

(a) Any member of the organized militia who has reached the age of 64 years may be retired for the reason of age and transferred to the state retired list by the Governor. A member may be retired for reason of age and transferred to the state retired list by the Governor before reaching 64 years of age in order to conform to the laws and regulations of the United States which are applicable to the organized militia.

SECTION 5.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers licenses, is amended by inserting at the end thereof the following:

40-5-37.

(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who is on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose Georgia driver's license expired while such service member was serving on active duty outside the state shall be permitted to operate a motor vehicle in accordance with such expired license and shall not be charged with a violation of Code Section 40-5-20 for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the department either a copy of the official military orders or a written verification signed by the service member's commanding officer to waive charges.

SECTION 6.

Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general provisions relative to professions and businesses, is amended by inserting at the end thereof the following:

43-1-31.

(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.

(b) Any service member whose license to practice a profession issued pursuant to any provision of this title expired while such service member was serving on active duty outside the state shall be permitted to practice such profession in accordance with such expired license and shall not be charged with a violation of this title related to practicing a profession with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the applicable professional licensing board either a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

SECTION 7.

Article 1 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to landlord and tenant, is amended by inserting at the end thereof a new Code section to read as follows:

44-7-22.

(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.

(b) Any service member may terminate his or her residential rental or lease agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 30 days after the landlord's receipt of the notice if any of the following criteria are met:

(1) The service member is required, pursuant to a permanent change of station orders, to move 35 miles or more from the location of the rental premises;

(2) The service member is released from active duty or state active duty after having leased the rental premises while on active duty status and the rental premises is 35 miles or more from the service member's home of record prior to entering active;

(3) After entering into a rental agreement, the service member receives military orders requiring him or her to move into government quarters;

(4) After entering into a rental agreement, the service member becomes eligible to live in government quarters and the failure to move into government quarters will result in a forfeiture of the service member's basic allowance for housing;

(5) The service member receives temporary duty orders, temporary change of station orders, or state active duty orders to an area 35 miles or more from the location of the rental premises, provided such orders are for a period exceeding 60 days; or

(6) The service member has leased the property but prior to taking possession of the rental premises receives a change of orders to an area that is 35 miles or more from the location of the rental premises.

(c) The notice to the landlord pursuant to subsection (b) of this Code section shall be accompanied by either a copy of the official military orders or a written verification signed by the service member's commanding officer.

(d) In the event a service member dies during active duty, an adult member of his or her immediate family may terminate the service member's residential rental or lease agreement by providing the landlord with a written notice of termination to be effective on the date

stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord must be accompanied by either a copy of the official military orders showing the service member was on active duty or a written verification signed by the service member's commanding officer and a copy of the service member's death certificate.

(e) Upon termination of a rental agreement under this Code section, the service member is liable for the rent due under the rental agreement prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the rental agreement. The service member is not liable for any other rent or damages due to the early termination of the tenancy as provided for in this subpart. Notwithstanding any provision of law to the contrary, if a service member terminates the rental agreement pursuant to this Code section 14 or more days prior to occupancy, no damages or penalties of any kind will be assessable.

(f) The provisions of this Code section shall apply to all residential rental or lease agreements entered into on or after July 1, 2005, and to any renewals, modifications, or extensions of such agreements in effect on such date. The provisions of this Code section may not be waived or modified by the agreement of the parties under any circumstances.

SECTION 8.

Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions relative to telephone and telegraph service, is amended by inserting at the end thereof the following:

46-5-8.

(a) As used in this Code section, the term 'service member' means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.

(b) Any service member may terminate his or her wireless telecommunications service contract by providing the wireless telecommunications provider with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after receipt of the notice by the wireless telecommunications provider, if any of the following criteria are met:

(1) The service member is required, pursuant to a permanent change of station orders, to move outside the area served by the wireless telecommunications provider or to an area

where the type of wireless telecommunications service being provided to the service member is not available from the wireless telecommunications provider;

(2) The service member is discharged or released from active duty or state active duty and will return from such duty to an area not served by the wireless telecommunications provider or where the type of telecommunications service contracted for is not available from the wireless telecommunications provider;

(3) The service member is released from active duty after having entered into a contract for wireless telecommunications service while on active duty status and the wireless telecommunications provider does not provide telecommunications service or the same type of wireless telecommunications service contracted for in the region of the service member's home of record prior to entering active duty;

(4) The service member receives military orders requiring him or her to move outside the continental United States; or

(5) The service member receives temporary duty orders, temporary change of station orders, or active duty or state active duty orders to an area not served by the wireless telecommunications provider or where the type of wireless telecommunications service contracted for is not available from the wireless telecommunications provider, provided such orders are for a period exceeding 60 days.

(c) The written notice to the wireless telecommunications provider must be accompanied by either a copy of the official military orders or a written verification signed by the service member's commanding officer.

(d) Upon termination of a contract under this Code section, the service member is liable for the amount due under the contract prorated to the effective date of the termination payable at such time as would have otherwise been required by the terms of the contract. The service member is not liable for any other fees due to the early termination of the contract as provided for in this Code section.

(e) The provisions of this Code section shall apply to any contract for wireless telecommunications service entered into on or after July 1, 2005, and to any renewals, modifications, or extensions of any such contract in effect on such date and may not be waived or modified by the agreement of the parties under any circumstances.

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.